



NC10006-AC

CERTIFIED RECEIPT REQUESTED

July 7, 2011

Thomas Vest
50 Lower Nickel Branch Road
Hazel Green, KY 41332

Regina Fritsch
105 Canewood Boulevard
Georgetown, KY 40324

Dear Respondents:

**Subject: Thomas Vest and Regina Fritsch-
11-0305**

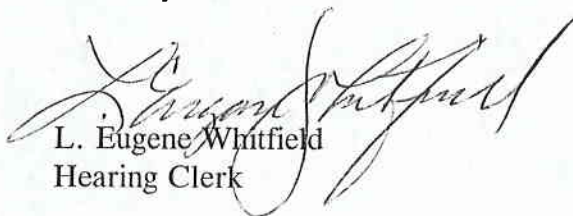
Enclosed is a copy of a Complaint which has been filed with this office under the Horse Protection Act (15 U.S.C. § 1821 *et seq.*). Also enclosed is a copy of the Rules of Practice which govern the conduct of these proceedings. Please familiarize yourself with the rules and note that the comments which follow are not a substitute for the rule requirements.

The rules specify that you may represent yourself or obtain legal counsel. If an attorney does not file an appearance on your behalf, it shall be presumed that you have elected to represent yourself. Most importantly, you have 20 days from receipt of this letter to file with the Hearing Clerk an original and three copies of your written and signed answer to the complaint. It is necessary that your answer set forth any defense you wish to assert, admit, deny or explain each allegation of the complaint. Your answer may include a request for an oral hearing. Failure to file an answer or filing an answer which does not deny the material allegations of the complaint shall constitute an admission of those allegations and waive your right to an oral hearing. If a hearing is required, it shall be formal in nature and decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony subject to cross-examination.

It is your responsibility to notify this office of any change in address or telephone numbers. Failure to do so may result in a judgment being entered against you without your knowledge. Your answer, as well as any other pleadings or requests regarding this proceeding should be submitted in quadruplicate to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, DC 20250-9200.

Any questions you may have regarding the possible settlement of this case should be directed to the attorney whose name and telephone number appear on the last page of the complaint.

Sincerely,



L. Eugene Whitfield
Hearing Clerk

Enclosure(s)

Sent To Brian T. Hill-OGC
 Ruth Ann McDermott-APHIS

STH: 07/07/2011

2011 JUL -6 /11 9:44

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:) HPA Docket No. 11-0305
)
Thomas Vest and)
Regina Fritsch,)
)
Respondents) Complaint

There is reason to believe that the respondents named herein have violated the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.), herein referred to as the Act. Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

- A. Respondent Thomas Vest is an individual whose mailing address is 50 Lower Nickel Branch Road, Hazel Green, KY 41332.
- B. Respondent Regina Fritsch is an individual whose mailing address is 105 Canewood Boulevard, Georgetown, KY 40324.
- C. At all times material hereto, respondent Thomas Vest was a co-owner of the horse known as "The Rock Duster" and entered this horse, while it was sore, as Entry No. 804, Class No. 123B, on September 1, 2009, at the 71st Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.
- D. At all times material hereto, respondent Regina Fritsch was a co-owner and the trainer of the horse known as "The Rock Duster" and entered this horse, while it was sore, as

Entry No. 804, Class No. 123B, on September 1, 2009, at the 71st Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

II

A. On September 1, 2009, respondent Thomas Vest, in violation of sections 5(2)(B) and (D) of the Act (15 U.S.C. §§ 1824(2)(B) and (D)), entered and allowed entry for the purpose of exhibiting the horse known as “The Rock Duster” as Entry No. 804, in Class No. 123B of the 71st Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee, while the horse was bilaterally sore as well as scarred as defined in section 11.3 of the regulations issued pursuant to the Act (9 C.F.R. § 11.3).

B. On September 1, 2009, respondent Regina Fritsch, in violation of sections 5(2)(B) and (D) of the Act (15 U.S.C. §§ 1824(2)(B) and (D)), entered and allowed entry for the purpose of exhibiting the horse known as “The Rock Duster” as Entry No. 804, in Class No. 123B of the 71st Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee, while the horse was bilaterally sore as well as scarred as defined in section 11.3 of the regulations issued pursuant to the Act (9 C.F.R. § 11.3).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact violated the Act, this complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances including an order:

(a) Assessing civil penalties against the respondents in accordance with section 6(b) of the Act (15 U.S.C. § 1825(b)); and

(b) Disqualifying the respondents for a specified period as provided in section 6(c) of the Act (15 U.S.C. § 1825(c)) from (1) showing, exhibiting or entering any horse, or otherwise participating in any horse show or exhibition, and (2) judging or managing any horse show, horse exhibition, horse sale or auction.

Done at Washington, D.C.
this 1st day of July, 2011

BRIAN T. HILL
Attorney for Complainant
Office of the General Counsel
United States Department of
Agriculture
Washington, D.C. 20250-1417
Telephone (202) 720-9237



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Regina Fritsch
105 Canewood Boulevard
Georgetown, KY 40324

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

7009 1680 0001 9852 4750

Domestic Return Receipt

102596-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature **X** ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

Complaint / HCL
11-0305 (20) days

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes